

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Daniel Stemmer	:	CHAPTER 13
Debtor.	:	
Alyssa Bonuli	:	BANKRUPTCY CASE NUMBER
Movant.	:	22-10886-MDC
	:	
	:	11 U.S.C. § 362
	:	
	:	November 28, 2023 @ 10:30AM
v.	:	
Daniel Stemmer	:	Courtroom # 2
Debtor.	:	
	:	
Kenneth West Trustee.	:	
Additional Respondent.	:	

MOTION OF ALYSSA BONULI FOR RELIEF
FROM THE AUTOMATIC STAY

Movant, Alyssa Bonuli, by and through her Attorney, Gary E. Thompson, Esquire, hereby moves for relief from automatic stay under section 362(d), and by her undersigned counsel avers the following in support of the said motion:

1. Debtor named above filed a Petition under Chapter 13 of the Bankruptcy Code in the Eastern District of Pennsylvania under the above case number.
2. Movant is the present joint owner with Debtor of the real estate located a 620 W. Wilshire Drive, Wallingford, PA 19086 (the "Property").
3. Lakeview Loan Servicing LLC ("Lakeview") has a secured mortgage on the property with both Movant and Debtor legally responsible to Lakeview. See Claim #11 on List of Claims.
4. Debtor has not occupied the Property since the date of filing.

5. Debtor has not made any post-petition payments to Lakeview. All mortgage payments from the date of filing to date have been made by Movant.
6. Movant is desirous to file an Action in Partition Against Debtor in the Delaware County Court of Common Pleas in order to remove Debtor as joint owner of the property and as legally responsible for said mortgage.
7. The filing of the aforesaid Petition operated as an automatic stay under Section 362(a) of the Bankruptcy Code of proceedings against Debtor. Movant requests relief from the automatic stay to file the Partition Action.
8. Movant is entitled to relief from automatic stay because of the foregoing and because:
 - (a) Movant, as the legal owner of the Property and payor of said mortgage, is entitled to ownership of the Property;
 - (b) Debtor does not have any excess equity in the Property; and
 - (c) The Property is not necessary to an effective reorganization or plan.
9. Movant is entitled to Relief, so she may proceed with a Partition Action to both remove Debtor as legal owner of the Property and obligor on the Lakeview Mortgage.
10. Movant requests the Court waive Rule 4001(a)(3), permitting Movant to immediately implement and enforce the Court's Order.

WHEREFORE, Movant prays for relief from the automatic stay under Section 362 of the Bankruptcy Code , 11 U.S.C. § 362(d), permitting Movant to exercise and enforce any rights with respect to the Property, including the filing of the Partition Action.

Respectfully Submitted,

Dated: 11/2/23

BY: 

Gary E. Thompson, Esquire